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August 26, 2024

VIA ELECTRONIC FILING

Hon. Paul A. Engelmayer
United States District Judge
Southern District of New York 40 Foley Square - Court Courtroom 1305
40 Foley Square, Room 2201 A.J. Smallman, Courtroom Deputy
New York, NY 10007

Re: In re JJ Arch LLC, S.D.N.Y. Case No. 24-cv-04847(KPF) (“Objection to Proposed Findings”) and In re JJ Arch LLC, Case No. 24-cv-04850(PAE) (“Bankruptcy Appeal”)

Honorable Judge:

This firm represents JJ Arch LLC, Appellant in the above-referenced bankruptcy appeal.

This letter is written to facilitate the District Court’s consideration of the Objection to Proposed Finding, pending before the Honorable Katherine Polk-Failla and the Bankruptcy Appeal, pending before this Court (the “Pending Matters”).

The Order (the “Order,” ECF Docket No. 1 as attached to Notice of Appeal), which is the subject of the Bankruptcy Appeal pending before this Court, in relevant part: “The appeal is from the bankruptcy court order lifting the automatic stay. The last sentence of the Order states: “For the foregoing reasons, the Lift Stay Motions [Ch. 11 Dkt., Docs. 38 and 40] are GRANTED, conditional upon the District Court’s ruling on this Court’s Remand Ruling.” We filed the Bankruptcy Appeal out of an excess of caution. We did not want to run the risk of missing the deadline for filing an appeal.

We expect that the Objection to Proposed Findings, pending before Hon. Judge will likely be heard prior to the determination of the Bankruptcy Appeal. The Objection to Proposed Findings and opposition were fully submitted on July 5, 2024. Objectant and Appellant with regard to the

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Bankruptcy Appeal did not oppose the Letter Motion of Arch Real Estate Holdings LLC (“AREH”) to expedite determination of the Objection to Proposed Findings. Judge Polk-Failla terminated this letter motion stating that the Objection to Proposed Findings “in due course” (Objection to Proposed Findings ECF Docket No. 15).

Accordingly, we will request that this Court defer or extend the deadlines set forth in the Order entered August 9, 2024 and attached hereto (Bankruptcy Appeal ECF Docket No. 8), which provides for Appellant’s Opening Brief to be filed September 9, 2024 for the following reasons:

- a) The effectiveness of the order to which the Bankruptcy Appeal relates (Bankruptcy Appeal ECF Docket No. 1) is expressly “conditional upon the District Court’s ruling on this Court’s Remand Ruling” which is the subject of the Objection to Proposed Findings;
- b) The Removed Proceeding relates to the authority, which Appellant disputes, of AREH to act without the authority of the Managing Member of Appellant, Jeffrey Simpson; and
- c) AREH, one of the Appellees with regard to the Bankruptcy Appeal, and Jared Chassen have filed a second Motion to Dismiss JJ Arch LLC’s Chapter 11 proceeding. This motion is before the Court on September 10, 2024.

Appellant submits that commencing a briefing schedule when the foregoing matters may moot or obviate the Bankruptcy Appeal would be highly wasteful. Further, this is the first request for any extension by any party.

We requested the Appellees’ consent by letter dated August 22, 2024. The Appellees consent to a courtesy 30 day extension. Appellees contest the grounds for which the extension is sought and reserve all rights should Appellant seek a further extension.

We accordingly request that the Court defer or extend the deadline of Appellant to file its Opening Brief for thirty days, subject to further extension or shortening on appropriate request, to await further developments. We would request that other deadlines be concomitantly extended.

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We respectfully thank you for your favorable consideration.

Respectfully,

/s/ James B. Glucksman

cc: (All parties served via ECF)


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GRANTED. All briefing deadlines are hereby extended 30 days.
Appellant's opening brief shall be due October 9, 2024.
Appellee's response brief shall be due November 8, 2024.
Appellant's reply brief, if any, shall be due November 22, 2024.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 26, 2024